

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W.R. GRACE & CO., <i>et al.</i> ,)	Bankruptcy Case No. 01-01139(JKF)
)	(Jointly Administered)
)	
Debtors)	Civil Action No. 09-763 (RLB)
)	
BNSF RAILWAY COMPANY,)	
Appellant,)	
)	
v.)	
)	
W. R. GRACE & Co., <i>et al.</i>)	
and)	
ARROWOOD INDEMNITY COMPANY,)	
f.k.a. Royal Indemnity Company,)	
Appellees.)	

**NOTICE OF VOLUNTARY DISMISSAL BY APPELLANT PURSUANT
TO FED. R. CIV. P. 41(A)(1)(A)**

PLEASE TAKE NOTICE that the Appellant BNSF Railway Company hereby voluntarily dismisses this civil action, (previously stayed by Order dated February 17, 2010 (Docket No. 14), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), with prejudice.

Dated: October 12, 2012

/s/ James C. Carignan

James C. Carignan (DE Bar #4230)

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CERTIFICATE OF SERVICE

I, James C. Carignan, hereby certify that on the 12th day of October, 2012, I caused a copy of the following document to be served via the Court's CM/ECF System:

- Notice Of Voluntary Dismissal By Appellant Pursuant To Fed. R. Civ. P. 41 (a)(1)(A)

/s/ James C. Carignan
James C. Carignan (DE Bar #4230)